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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Fliesler Meyer LLP 650 California Street 14th Floor San Francisco, CA 94108			EXAMINER KUMAR, ANIL N	
			ART UNIT 2174	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/788,876	Applicant(s) MUSSON ET AL.	
	Examiner ANIL N. KUMAR	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1080 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/15/08, 12/15/08, 12/31/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the RCE filed on December 5th, 2008. Claims (1-80) are pending and have been considered below.

Specification

As per claims 59-80: The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The phrase "machine readable medium" is not found to have proper antecedent basis in the specification, however it is necessary to use this terminology in order to properly define the claim within the boundaries of statutory subject matter, because the phrase "machine readable medium" appears to only reasonably convey hardware storage and forms of portable, physical article media to one of ordinary skill in the art. In order to overcome the objection, an amendment to the specification is necessary constituting a non-exhaustive statement of what the phrase "machine readable medium" would be in view of the specification as it would have been known to one of ordinary skill in the art at the time of the invention, in order to verify that the term "machine readable medium" could not be taken in the context of non-statutory subject matter.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-58 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-58: The instant language does not specify that the claimed invention includes hardware. Computer software is not a series of steps or acts and this is not a process. Computer software is not a physical article or object and as such is not a machine or manufacture. Computer software is not a combination of substances and therefore not a compilation of matter. Thus, computer software by itself does not fall within any of the four categories of invention. Therefore, Claims 1-58 are not statutory.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anuff et al. ("Anuff", US 6, 327,628 B1) in view of Abel et al. ("Abel", US 2003/0084401 A1).

Claims 1, 21, 40, 59 and 80: Anuff disclose methods and media for rendering a portal graphical user interface (GUI) (i.e. ...server presents initial view ... column 2 lines 1-27 and Fig. 2), comprising:

- providing for the representation of a GUI desktop (Fig. 2), a GUI look and feel (select from various look and feel templates ... column 2 lines 13-16) , and a GUI book (see Bookmarks in Fig. 2) as a set of controls wherein the controls can be organized in a logical hierarchy (i.e. ... as well as their order of appearance... column 4 lines 6-14 and Fig. 2);
- traversing the representation, wherein the traversing comprises: associating a theme with a first control in the set of controls (change its color scheme... column 3 lines 54-57 and Fig. 2) ;
- rendering the first control according to the theme (4. Assign styles to elements in page ... column 8 lines 22-49);
- rendering any descendents of the first control according to the theme (see hierarchy and ownership under the Legend in Fig. 4);
- and wherein one of the set of controls can communicate with another of the set of controls wherein controls represent corresponding graphical and functional elements in web applications (See >Search< and >Company Directory< portals in Fig. 2);

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- the controls have properties that can be read and set (see Edit, Color controls in Fig. 2), and the controls can interact with each other through an event notification mechanism (Each module provides the user with access to a particular type of resource, such as news headlines or stock quotes, columns 3/4 lines 58-5), the controls also have methods which provide services and which may be overridden to provide specialization of the control (the page where a user customizes a module, for example, selects news categories or stocks of interest, column 6 lines 47-58), controls are implemented as one or more classes in an object-oriented programming paradigm to allow for new properties (The portal server is an object-oriented system built on such an object model, illustrated in FIGS. 4, 6 and 7, column 4 lines 60-68), events and/or specialized control methods to be provided by extending base control classes related to these features (programmers can extend functionality through additional classes, column 2 lines 14-20), at least some controls can serve as containers for other controls (The Portal Page Context object - container- contains everything a Module View needs to know about its execution environment, column 7 lines 47-56);

but does not explicitly disclose,

- wherein a descendent of the first control can override the theme with a second theme such that the descendent of the first control uses the second theme and any descendent of the descendent of the first control uses the

second theme unless the second theme is overridden at the descendent of the descendent of the first control.

However, Abel disclose a method for localizing - customization/overriding, paragraph [0002] - a Web page based on a selected characteristic, such as a culture, a skin, a filtered set of functions, or other desired trait (paragraph [0008]), and further disclose, the instance of the LocalizedPage class overrides the standard Render method of the standard ASP.NET Page class (paragraphs [0043-0045] and Fig. 6), and further teach, defining override values for any dependent at any level (the Web designer defines a localization element with a unique element key, paragraph 0040-0046] and Fig. 5). It would have been obvious to an artisan at the time of this invention to combine the theme localization/overriding, as taught by Abel, in Anuff's method, in order to provide the user customization options, so that the user will be able to have a custom localized web page that is particularly suited for their needs.

Claims 2, 22, 42 and 61: Anuff disclose:

- wherein: the desktop is a view of a portal (i.e. ...views are the front page of a portal ... column 6 lines 48-54 and Fig. 2);
- wherein the desktop can be represented by a desktop control (Fig. 2);
- and wherein the desktop control is hierarchically superior to the shell control and to the book control (see the Layout->Group->ModuleView hierarchy in Fig. 4).

Claims 3, 23, 43 and 62: Anuff disclose:

- the look and feel determines the appearance of the portal (i.e. ...Site look and feel ... column 14 lines 54-63);
- wherein the look and feel can be represented by a look and feel control (see >Layout< in Fig. 2);
- and wherein the theme is a variation of the look and feel (see >Color< in Fig. 2).

Claims 4, 24, 44 and 63: Anuff disclose:

- the book can be used to navigate to at least one portal page control (see >Bookmarks< , >News< portals in Fig. 2);
- and wherein the book is represented by a book control (see >XYZ Corp. Home Page< in Fig. 2).

Claims 5, 28, 48 and 64: Anuff disclose wherein: one of the set of controls can respond to an event raised by another of the set of controls (see >Search< in Fig. 2).

Claims 6, 29, 49 and 65: Anuff disclose wherein: a control can have an interchangeable persistence mechanism (see >manage persistence< in Fig. 4).

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Claims 7, 30, 50 and 66: Anuff disclose wherein: a control can have an interchangeable rendering mechanism (i.e. ... displaying some aspects of module's data ... column 7 lines 5-26).

Claims 8, 41, 60 and 67: Anuff disclose further comprising: accepting a request (Fig. 3).

Claims 9, 25, 45 and 68: Anuff disclose wherein: the request in a hypertext transfer protocol (HTTP) request (i.e. ...contains a HTTP request ... column 6 lines 59-66 and Fig. 3).

Claims 10, 26, 46 and 69: Anuff disclose wherein: the request originates from a Web browser (see Figs. 1 and 3).

Claims 11, 27, 47 and 70: Anuff disclose further comprising: generating a response (i.e. ...contains a HTTP response ... column 6 lines 59-66 and Fig. 3).

Claims 12, 31, 51 and 71: Anuff disclose wherein: a control can represent one of: button, text field, menu, table, window, window control, title bar, pop-up window, check-box button, radio button, window frame, desktop, shell, head, body, header, footer, book, page, layout, placeholder, portlet and toggle button (Fig. 2).

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Claims 13, 32 and 72: Anuff disclose wherein: associating the theme with the first control can occur when the first control is rendered (i.e. ... Portal Page Info object 48 tells the modules about the display characteristics...column 7 lines 51-53 and Fig. 4).

Claims 14, 33, 52 and 73: Anuff disclose wherein: the first control inherits the theme from a parent control (i.e. ... given the primary group, the portal web site can be written to exploit the style... column 15 lines 59-67).

Claims 15, 34, 53 and 74: Anuff disclose wherein: the theme specifies the appearance and/or functioning of an control in the GUI (i.e. ...means of associating formatting intelligence with specific portions of a page.... Column 14 lines 66-67).

Claims 16, 35, 54 and 75: Anuff disclose wherein: rendering the first control according to the theme can be accomplished in parallel with rendering of other controls (i.e. ...at the same time being able to view information... column 3 lines 32-36).

Claims 17, 36, 55 and 76: Anuff disclose wherein: the theme can be specified in whole or in part by a properties file (i.e. ...upload style files-properties can be in multiple files- to the portal web site... column 15 line 32).

Claims 18, 37, 56 and 77: Anuff disclose wherein: the properties file can include at least one of: 1) cascading style sheet; 2) Java Server Page; 3) Extensible Markup Language; 4) text; 5) Hypertext Markup Language; 6) Extensible Hypertext Markup Language; 7) JavaScript; and 8) Flash MX (i.e. ...create the style's source code in a file... column 15 lines 27-30).

Claims 19, 38, 57 and 78: Anuff disclose wherein: the properties file can specify at least one image (i.e. ...upload style files-can include a image file- to the portal web site... column 15 line 32).

Claims 20, 39, 58 and 79: Anuff disclose wherein: the GUI is part of a portal on the World Wide Web (Figs. 1 and 2).

Response to Arguments

6. Applicant's arguments filed on December 5th, 2008 have been fully considered but they were found not persuasive.

Applicant argues "The independent claims now state that the 'controls represent corresponding graphical and functional elements in web applications; the controls have properties that can be read and set, and the controls can interact with each

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other through an event notification mechanism, the controls also have methods which provide services and which may be overridden to provide specialization of the control, controls are implemented as one or more classes in an object-oriented programming paradigm to allow for new properties, events and/or specialized control methods to be provided by extending base control classes related to these features, at least some controls can serve as containers for other controls.' These features are described in paragraph [0028] of the present inventions published application. These features and the other features of the independent claims are not shown or made obvious by the cited prior art". The Examiner respectfully disagrees, but maintains the rejection, and refers the applicant to claim rejections for details.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-1693. The examiner can normally be reached on Wednesdays and alternate Mon-Tue and Thu-Fri EST (Alternate Mon-Tue and Thu-Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANK
2/9/2009

/Joshua D Campbell/
Primary Examiner, Art Unit 2178